

DOCKET NO.: PH-7108(BMS-2301)

PATENT



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Carpenter, et al.

Application No.: 10/645,272

Filed: August 21, 2003

For: MATRIX METALLOPROTEINASE INHIBITORS

Confirmation No.: 7239

Group Art Unit: 1616

Examiner: Not Assigned Yet

EXPRESS MAIL LABEL NO: EL 969189583 US
DATE OF DEPOSIT: December 8, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S)
CONSIDERED AS OMITTED BY THE P.T.O. RESPONSE TO**

"NOTICE OF OMITTED ITEMS"
 "NOTICE OF INCOMPLETE APPLICATION"
 "NOTICE TO FILE CORRECTED APPLICATION PAPERS"

NONPROVISIONAL APPLICATION

1. This is in response to the

"NOTICE OF OMITTED ITEMS"
 "NOTICE OF INCOMPLETE APPLICATION"
 "NOTICE TO FILE CORRECTED APPLICATION PAPERS"

mailed for this application on November 20, 2003.

A copy of the
 "NOTICE OF OMITTED ITEMS"

"NOTICE OF INCOMPLETE APPLICATION"
 "NOTICE TO FILE CORRECTED APPLICATION PAPERS"

is enclosed.

Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the original application as indicated on the attached copy of the Application Transmittal Letter, page 2 A copy of the specification including claims and abstract (pages 1-205) and drawings and appendixes (if any) of earlier Application No. 09/783,249 filed February 14, 2001, to which no new matter has been added. Such earlier application is hereby incorporated into the present application by reference." papers filed on August 21, 2003.

2. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, (see MPEP, § 601.01(d), 7th Edition) applicant hereby:

- A. Petitions under 37 § 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 37 § 1.17(i) and
- C. Submits the attached evidence of the deposit of the items in issue.

3. Fee Payment

A check in the amount of \$130.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Please charge Deposit Account No. 23-3050 the amount of \$130.00. This sheet is attached in duplicate.

The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

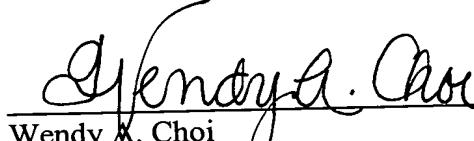
A duplicate of this paper is attached.

4. Request for Refund For Petition Fee Under 37 CFR § 1.53(e)

It is respectfully requested that, upon grant of the petition under 37 § 1.53(e), the petition fee be refunded by crediting Deposit Account No. 23-3050.

Upon grant of the petition under 37 § 1.53(e) and the determination by the P.T.O. that the omitted items in issue were filed with the original papers filed for this application, applicant respectfully requests that the petition fee under 37 § 1.182 be refunded by crediting Deposit Account No. 23-3050

Date: December 8, 2003



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Plus EVIDENCE OF DEPOSIT OF ITEM(S) WITH
APPLICATION INDICATED AS OMITTED IN THE
"NOTICE OF OMITTED ITEMS."

**EVIDENCE OF DEPOSIT OF ITEM(S)
WITH APPLICATION INDICATED AS OMITTED IN THE**

“NOTICE OF OMITTED ITEMS”

“NOTICE OF INCOMPLETE APPLICATION”

“NOTICE TO FILE CORRECTED APPLICATION PAPERS”

-NONPROVISIONAL APPLICATION

In connection with the

“NOTICE OF OMITTED ITEMS”

“NOTICE OF INCOMPLETE APPLICATION”

“NOTICE TO FILE CORRECTED APPLICATION PAPERS”

dated November 20, 2003, applicant submits the following evidence that the item(s) indicated as omitted were in fact deposited with the P.T.O. on August 21, 2003, which is the original date on which the papers for this application were deposited:

a photocopy of the date stamped return post card receipt showing thereon that the item(s) indicated as omitted were in fact deposited. (See MPEP, § 503, 7th Edition).

other: Copy of the Application Transmittal Letter, stating on page 2 “ A copy of the specification including claims and abstract (pages 1-205) and drawings and appendixes (if any) of earlier Application No. 09/783,249 filed February 14, 2001, to which no new matter has been added. Such earlier application is hereby incorporated into the present application by reference.”.